IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22124 of 2005

DATED: 6.10.2007

Between:
Indla Mallesh petitioner

And

The Chairman & Managign Director
M/s. The Singareni Collieries Co Ltd
Hyderabad Respondent

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ORAL ORDER:

This writ petition is filed questioning the proceedings dated 31.5.2005 rejecting the request of the petitioner for correction of his date of birth, as illegal and arbitrary.

The petitioner is employed in the respondent company as "Hauler Operator". The petitioner claims that his actual date of birth is 21.11.1952 and alleges that in the year 2003 he came to know that his age was wrongly noted in the records of the respondent company as 28 years as on the date of his joining the company i.e., 21.5.1974. The petitioner made a representation dated 11.2.2005 to the respondent company and the matter was referred to the committee to determine his age. The committee on consideration of the material produced by the petitioner in support of his claim i.e., date of birth certificate issued by the Mandal Revenue Officer, Dharmasagar, Warangal, study certificate issued by Sharada School, Warangal, rejected the claim of the petitioner vide impugned proceedings dated 31.5.2005. Hence, the present writ petition.

A detailed counter affidavit is filed denying the writ averments and stating that in terms of the mandatory provisions of Mines Act, the petitioner was subjected to medical test at the time of joining the respondent company and the Company's Medical Officer assessed the age of the petitioner as 28 years as on the date of joining the service

i.e., 21.5.1974 and the petitioner has affixed his thumb impression in token of acceptance of the same and then his age was recorded as 28 years as on the entry into the service records viz., service book, identity card and

B-Register. The petitioner has to retire from service on 31.5.2006 and at the fag end of his service has made a belated claim and the same is liable to be rejected. It is further stated that the petitioner has made a representation to correct his age as 22 years as on date of entry into service and as there was a variation in the Coal Mines Provident Fund Nomination Form and other records of the company, the petitioner was referred to Area Age Assessment Committee for review and the committee reviewed the case of the petitioner and confirmed his age as 28 years as on the date of entry into the service i.e. 21.5.1974. The contention of the petitioner that he came to know about wrong entry in the year 2003 was denied on the ground that the date of birth certificate issued by the Mandal Revenue Officer is dated 27.6.2001 and certificate issued by the Revenue Divisional Officer is dated 12.6.2001. It is thus contended that the claim of the petitioner is merely an after thought and the same cannot be entertained.

Admittedly, the petitioner joined the service of the respondent company on 21.5.1974 and at the fag end of his service in the year 2003 for the first time raised a dispute with regard to assessment of his age at the time of entry into service. The record disclose that in terms of the provisions of the Mines Act, the petitioner was referred for medical test at the time of entry into service and the Medical Officer on examination assessed the age of the petitioner as 28 years as on the date of entry into the service and the petitioner having accepted the same, affixed his thumb impression and joined the service. That apart, in view of the variation in the records of the company, the petitioner

was further referred to Area Age Assessment Committee for determination of his age and the committee reviewed his case on 5.1.2005 and confirmed his age as 28 years as on 21.5.1974, the date of entry into service. Thus, leaving apart the laches on the part of petitioner, the experts on two occasions i.e., at the time of entry into service on 21.5.1974 and the Area Age Assessment Committee on 5.1.2005 examined the petitioner and assessed his age as 28 years as on the date of entry into service, and no exception can be taken by this Court. Thus, the impugned proceedings dated 31.5.2005 rejecting the request of the petitioner for correction of his age, cannot be termed as an illegal order, warranting interference of this Court.

There are no merits in the writ petition and the same is liable to be dismissed and hereby dismissed. However, in the circumstances of the case no costs.

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N.V.RAMANA,J

DATE: 6.10.2007
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